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JAMES R. BROWNING, Clerk

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1960

No. 155

MICHIGAN NATIONAL BANK, a banking association  
organized under the laws of the United States,

Appellant,

NATIONAL BANK OF WYANDOTTE, THE FIRST  
NATIONAL BANK (THREE RIVERS, MICHIGAN),  
COMMERCIAL NATIONAL BANK OF IRON MOUN-  
TAIN, THE NATIONAL BANK OF JACKSON, and THE  
FIRST NATIONAL BANK AND TRUST COMPANY OF  
KALAMAZOO, banking associations organized under the  
laws of the United States,

Intervening Plaintiffs,

vs.

STATE OF MICHIGAN, DEPARTMENT OF REVENUE  
OF THE STATE OF MICHIGAN, and LOUIS M. NIMS,  
STATE COMMISSIONER OF REVENUE,

Appellees.

ON APPEAL FROM THE SUPREME COURT OF THE  
STATE OF MICHIGAN

OBJECTIONS OF THE STATE OF MICHIGAN TO  
MOTION OF FOURTEEN NATIONAL BANKS IN  
PENNSYLVANIA FOR LEAVE TO FILE A BRIEF  
AS AMICI CURIAE

PAUL L. ADAMS,  
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For Appellees

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The Capitol

Lansing, Michigan

**IN THE SUPREME COURT OF THE UNITED STATES**

**October Term, 1960**

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**MICHIGAN NATIONAL BANK**, a banking association organized under the laws of the United States,

**Appellant,**

**NATIONAL BANK OF WYANDOTTE, THE FIRST NATIONAL BANK (THREE RIVERS, MICHIGAN), COMMERCIAL NATIONAL BANK OF IRON MOUNTAIN, THE NATIONAL BANK OF JACKSON, and THE FIRST NATIONAL BANK AND TRUST COMPANY OF KALAMAZOO**, banking associations organized under the laws of the United States,

**Intervening Plaintiffs,**

**vs.**

**STATE OF MICHIGAN, DEPARTMENT OF REVENUE OF THE STATE OF MICHIGAN, and LOUIS M. NIMS, STATE COMMISSIONER OF REVENUE,**

**Appellees.**

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**ON APPEAL FROM THE SUPREME COURT OF THE STATE OF MICHIGAN**

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**OBJECTIONS OF THE STATE OF MICHIGAN TO MOTION OF FOURTEEN NATIONAL BANKS IN PENNSYLVANIA FOR LEAVE TO FILE A BRIEF AS AMICI CURIAE**

Pursuant to Rule 42 of the Revised Rules of the Supreme Court of the United States, appellees move that the Motion of Fourteen National Banks in Pennsylvania for Leave to File a Brief as Amici Curiae [hereinafter referred to as the "Motion"] be denied for the following reasons, to wit:

1. As stated on page 7 of appellees' Motion to Dismiss

or to Affirm, heretofore filed in this cause, the above-captioned matter involves:

"Is Act 9, Michigan Public Acts of 1953, [hereinafter referred to as Act 9][1] which imposed for the year 1952 a tax of 5½ mills on national bank shares, invalid under § 5219[2] because the Michigan legislature has not treated a savings share account of a savings and loan association as being equivalent to a share of national bank stock, when the national bank loans a portion of its deposit money on residential properties and the savings and loan associations employ their mutual share account moneys for the same general purpose?"

2. The Pennsylvania case referred to in the Motion[3] could not possibly involve any issues in common with this cause, since none of the banks or the alleged competing individuals and financial institutions are subject to any taxation whatsoever by the State of Michigan, nor do they carry on any alleged competing activities within the State of Michigan.

3. The nature of the interest, if any, of the fourteen national banks in Pennsylvania is remote, indirect, and

[1]

Michigan Compiled Laws § 205.132a; Michigan Statutes Annotated '59 Cumulative Supplement (Henderson) § 7.536 (2a).

[2]

12 U.S.C., Section 548; 13 Stat. 111, as amended by Stat. 34; 42 Stat. 1499; and 44 Stat. 223.

[3]

*Mellon National Bank and Trust Company, et al.* [the Fourteen National Banks of Pennsylvania] v. *Charles M. Dougherty, Secretary of Revenue*, in the Court of Common Pleas of Dauphin County, Pennsylvania, Equity No. 2395, No. 25, Commonwealth Docket, 1960.

not germane; thus, their involvement in this case, as amici curiae, would burden the State of Michigan and this Court with extraneous and unnecessary argument and would tend to confuse and distort the legal issues pending between the parties to this cause, without any foreseeable benefit.

4. Any involvement in this cause of the fourteen national banks in Pennsylvania, as amici curiae, will undoubtedly require the additional involvement of the Attorney General of Pennsylvania, as amicus curiae, thus tending to convert this cause into a review by this Court — prior to trial and review in the Pennsylvania courts — of the issues sought to be adjudicated there by the fourteen national banks in Pennsylvania and the Attorney General of Pennsylvania.

5. An examination of the Statement as to Jurisdiction, the Motion to Dismiss or to Affirm, the Brief of Appellant Opposing Appellees' Motion to Dismiss or to Affirm, and the briefs of the respective parties in this cause filed in the Supreme Court of Michigan, clearly demonstrates that the parties are competent to and have adequately presented, to the extent material in this cause, the legal arguments referred to on pages 4 and 5 of the Motion [subparagraphs enumerated (a), (b), and (c) of paragraph 8], and for this reason the fourteen national banks in Pennsylvania have not brought themselves within the requirements of paragraph enumerated 3 of Rule 14 of the Revised Rules of this Court.

The appellees in this cause have withheld their consent to the filing of a brief as amici curiae of the fourteen national banks of Pennsylvania for the above reasons.

Wherefore, it is respectfully requested that this Court deny the Motion of Fourteen National Banks in Pennsyl-

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vania for Leave to File a Brief as Amici Curiae in this  
cause.

Respectfully submitted,

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For Appellees

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#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the aforesaid Objections  
to Motion of Fourteen National Banks in Pennsylvania  
for Leave to File a Brief as Amici Curiae have been served,  
by depositing the same in the United States mails, with

first class air mail postage prepaid, upon the following counsel:

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On this — day of  
November, A.D. 1960.

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William D. Dexter  
Assistant Attorney General

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